

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

FUSE CHICKEN, LLC,

Plaintiff,

v.

AMAZON.COM, INC. and DOES 1-10,

Defendant.

Case No. 5:17-cv-01538-SL

Hon. Sara Lioi

Hon. Kathleen B. Burke

**DECLARATION OF DANIEL C.K.
CHOW IN SUPPORT OF FUSE
CHICKEN, LLC'S OPPOSITION
TO AMAZON.COM, INC.'S
MOTION FOR SUMMARY
JUDGMENT**

I, DANIEL C.K. CHOW, hereby declare that:

1. I have been retained as an expert by McKool Smith, P.C., counsel for Fuse Chicken, LLC ("Fuse Chicken"), the plaintiff in the above-referenced case against Amazon.com, Inc. ("Amazon").

2. I submit this Declaration in support of Fuse Chicken, LLC's Opposition to Amazon.com, Inc.'s Motion for Summary Judgment, filed concurrently herewith. In connection with my work as an expert in this case, I have reviewed information produced by Fuse Chicken and Amazon. I have also relied on the kinds of facts or data on which experts in my field reasonably rely. The materials set forth herein are true and correct of my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

3. I currently hold the Bazler Chair in Business Law at the Ohio State University Moritz College of Law. I received my BA (Summa Cum Laude, Phi Beta Kappa) from Yale College in 1979 and my JD from Yale Law School in 1982. After law school, I clerked for the Chief Judge of the federal district court for the Southern District of New York. I am the author of 14 books and over 50

scholarly publications in law reviews and other journals. I have written extensively on counterfeiting and am widely considered to be an expert on counterfeiting in China. I have testified before Congress on several occasions and was featured on the CBS News Program 60 Minutes in a program entitled “The World’s Greatest Fakes” about counterfeiting in China that aired in 2004. I am fluent in Mandarin Chinese. In the late 1990s, I lived and worked in the People’s Republic of China (PRC or China) as head of the legal department at Procter & Gamble (China), Ltd. (P&G) and was in charge of protecting P&G’s brands from counterfeiting. In this role, I personally participated in numerous raids of counterfeiters at their premises along with private investigators and law enforcement officials. I have spoken with numerous counterfeiters in this role for P&G and have had numerous meetings with Chinese government officials about enforcing P&G’s intellectual property rights. In 1999, I led industry efforts in forming the China Anti-Counterfeiting Coalition, a group of leading multinational companies in China with serious counterfeiting problems, to work with the Chinese government in combatting counterfeiting. I served as the first executive secretary of this group, which is still the leading industry group in China under its current name, the China Quality Brands Protection Committee, and was the principal author of the China “White Paper” on counterfeiting. I have continued to be involved in intellectual property matters in China as a consultant and legal expert in cases handled by U.S. law firms. I continue to travel to China frequently for business and personal reasons and speak frequently to Chinese lawyers and academics about intellectual property and other business issues in China.

4. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[illegible]

1. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
2. [REDACTED]
[REDACTED]

[REDACTED]

6. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. I have summarized my opinions in this matter in the Expert Report of Daniel C.K. Chow, dated October 12, 2018. A true and correct copy of this Report has previously been filed with the Court. It is Docket Number 100. The opinions set forth in this Report are true and correct of my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

³ See Wade Shepard, How Amazon's Wooing of Chinese Sellers is Killing Small Businesses, Forbes, Feb. 14, 2017, <https://www.forbes.com/sites/wadeshepard/2017/02/14/how-amazons-wooing-of-chinese-sellers-is-hurtingamerican-innovation/#3e77d9c41df2>; Ari Levy, Amazon's Chinese Counterfeit Problem is Getting Worse, The Pulse@1Market, <https://www.cnbc.com/2016/07/08/amazons-chinese-counterfeit-problem-is-getting-worse.html>. I reviewed and relied on these articles in formulating my opinions in this matter.

DATED: March 1, 2019

A handwritten signature in black ink that reads "Daniel C.K. Chow". The signature is written in a cursive style with a large initial 'D' and a stylized 'C'.

Daniel C.K. Chow